

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**Priscilla Sterling, Raine Becker, Shawn
Miller, and John Bennett, individually and on
behalf of all others similarly situated**

Plaintiffs

v.

Civil No. 3:22-cv-531-KHJ-MTP

**The City of Jackson, Mississippi; Chokwe A.
Lumumba; Tony Yarber; Kishia Powell;
Robert Miller; Jerriot Smash; Siemens
Corporation; Siemens Industry, Inc.; and
Trilogy Engineering Services LLC**

Defendants

JOINT URGENT AND NECESSITOUS MOTION TO STAY ALL DISCOVERY

Joint Movants Chokwe A. Lumumba, Robert Miller, Tony Yarber, Kishia Powell, and Jerriot Smash, through counsel and pursuant to Local Uniform Civil Rules 7(b)(8) and 16(b)(3)(B), respectfully move for an order, staying all discovery until the Court resolves Mayor Lumumba and Miller's and Yarber and Powell's respective Motions for Qualified Immunity and Judgment on the Pleadings to Dismiss the Amended Class Action Complaint or Injunctive Relief and Money Damages and Smash's Motion for Judgment on the Pleadings to Dismiss the Amended Class Action Complaint for Injunctive Relief and Money Damages and/or for Qualified Immunity. In support of the relief requested, Joint Movants state:

1. On May 30, 2023, the Court entered a Text-Only Order, granting Plaintiff leave to file amended pleadings. Plaintiffs' deadline to file the amended pleading was June 15, 2023.
2. The Court's Order set July 14, 2023, as Joint Movants and the City of Jackson deadlines to file dispositive motions for judgment on the pleadings.
3. Plaintiffs filed their Amended Complaint on June 15, 2023.

4. On July 6, 2023, the Court entered a Rule 16(a) Initial Order [Doc. 64], setting August 11, 2023 as the date for a Zoom Case Management Conference.

5. Pursuant to the Court's May 30, 2023, Text-Only Order, Joint Movants filed their respective dispositive motions on July 14, 2023, raising qualified immunity as an affirmative defense.

6. In pertinent part, L.U.Civ.R. 16(b)(3)(B) provides,

Filing a motion...asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

7. Because Joint Movants have moved to dismiss Plaintiffs' Amended Complaint, asserting qualified immunity, this Civil Action should be stayed *in toto*.

8. This motion is urgent and necessitous, because of upcoming deadlines set by the Court's Rule 16(a) Order. One of those deadlines is set to expire on July 21, 2023.

RESPECTFULLY SUBMITTED, this the 14th day of July, 2023.

/s/ Terris C. Harris

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Lumumba and Robert Miller*

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

/s/ Terris C. Harris
TERRIS C. HARRIS

/s/ John F. Hawkins
JOHN F. HAWKINS